

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Timothy Tangen,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-00335-JD

Marissa Brown,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01427-JD

Shelby Iubelt, individually, on behalf of the
Estate of Tyler Iubelt, and as next friend of
V.I., minor,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01420-JD

Lakeia Stokes,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01086-JD

Maggie Bilyeu,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01078-JD

Addie Ford,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01159-JD

Marvin Branch,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01083-JD

Julianne Perry, individually, on behalf of the
Estate of John Perry, and as next friend of L.P.
and G.P., minors,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01250-JD

Haylee Rodriguez,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01084-JD

India Sellers,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01085-JD

Samuel Gabara,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01007-JD

Chris Colavita,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01017-JD

Robert Healy,

Plaintiff,

v.

Fluor Intercontinental, Inc., et al.,

Defendants.

C/A No.: 6:21-cv-01018-JD

**DEFENDANTS FLUOR
INTERCONTINENTAL, INC. AND
FLUOR GOVERNMENT GROUP
INTERNATIONAL, INC.'S RULE
12(b)(6) MOTION TO DISMISS THE
PLAINTIFFS' CLAIMS BASED ON
COLLATERAL ESTOPPEL AND
STATUTE OF LIMITATIONS**

Defendants Fluor Intercontinental, Inc. and Fluor Government Group International, Inc. (collectively, "Fluor"), by and through their undersigned counsel and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby move this Court for an order granting their motion to dismiss the Complaints ("Motion") against Plaintiffs Maggie Bilyeu, Marvin Branch, Marissa Brown, Chris Colovita, Addie Ford, Samuel Gabara, Robert Healy, Shelby Iubelt, Julianne Perry, Haylee Rodriguez, India Sellers, and Lakeia Stokes ("Plaintiffs"). This Motion is made on the grounds that Plaintiffs' Complaints fail to state a claim upon which relief can be granted and should be dismissed because: (i) Plaintiffs filed identical litigation in the Northern District of Texas, where their claims were dismissed after a full and fair opportunity to litigate, and Plaintiffs are thus collaterally estopped from re-litigating identical claims here; (ii) the claims of the Plaintiffs Marissa Brown, Shelby Iubelt, and Julianne Perry are time-barred by the statute of limitations. This Motion is supported by the applicable law, the pleadings in this action, and the memorandum filed in support and served herewith.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

NEXSEN PRUET, LLC

s/Andrew A. Mathias

William W. Wilkins, Fed. ID No. 4662
Andrew A. Mathias, Fed. ID No. 10166
Konstantine P. Diamaduros, Fed. ID No. 12368
104 South Main Street, Suite 900 (29601)
Post Office Box 10648
Greenville, South Carolina 29603-0648
Telephone: 864.370.2211
Facsimile: 864.282.1177
BWilkins@nexsenpruet.com
AMathias@nexsenpruet.com
KDiamaduros@nexsenpruet.com

TREY GOWDY LAW FIRM, LLC

Harold Watson Gowdy, III, Fed. ID No. 5675
Post Office Box 3324
Spartanburg, South Carolina 29304
Telephone: 864.809.0917
treyl@treygowdylawfirm.com

HARTLINE BARGER LLP

Darrell L. Barger (*admitted pro hac vice*)
1980 Post Oak Blvd.
Suite 1800
Houston, Texas 77056
Telephone: 713.759.1990
Facsimile: 713.652.2419
dbarger@hartlinebarger.com

J. Reid Simpson (*admitted pro hac vice*)
800 N. Shoreline Blvd.
Suite 2000, North Tower
Corpus Christi, Texas 78401
Telephone: 361.866.8000
Facsimile: 361.866.8039
rsimpson@hartlinebarger.com

COVINGTON & BURLING LLP

Raymond B. Biagini (*admitted pro hac vice*)

Daniel L. Russell Jr. (*admitted pro hac vice*)

One CityCenter

850 Tenth Street, NW

Washington, DC 20001

Telephone: 202-662-6000

Facsimile: 202-662-6291

RBiagini@cov.com

DRussell@cov.com

Attorneys for Defendants Fluor Corporation, Fluor Enterprises, Inc., Fluor Intercontinental, Inc., and Fluor Government Group International, Inc.

July 30, 2021

Greenville, South Carolina